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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,776	02/28/2002	Nobuaki Honda	36989-177852	5025
26694	7590	10/27/2003		
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER LAIR, DONALD M	
			ART UNIT	PAPER NUMBER
			2858	

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,776

Applicant(s)

HONDA, NOBUAKI

Examiner

Donald M. Lair

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2,12,13,15,17,20,22 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,5-9,14,16,18,19,21,23 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out any errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 2, 12, 13, 15, 17, 20, 22 and 24 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected integrated sensor system, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Objections

3. Claim 4 is objected to because of the following informalities: there is no period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukada, et al. (JP404363651A) in view of Applicant Admitted Prior Art (AAPA).

6. In regards to Claim 1, Tsukada et al. disclose an integrated sensor device which is constructed into a single integrated circuit device comprising a detection unit that has an organic membrane, characteristics of which are changed through contact with gas or liquid containing substance to be measured, and a converter for converting the change of the characteristics to

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electric signal; and a control unit for processing the signal representing the measurement result from the detection unit (Tsukada et al.: Abstract). The reference fails to teach an antenna unit for transmitting the signal processed by the control unit to outside and for receiving energy necessary for the transmission and operations of the detection and control units from the outside. However, the Applicant has disclosed as prior art that it is well known to use an antenna unit with a sensor device (Page 1, paragraph 3). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Tsukada et al. by adding an antenna unit for the purpose of enabling wireless communication between the sensor and outside devices.

7. In regards to Claim 4, Tsukada et al. in view of AAPA disclose an integrated sensor device as described above, wherein the device disclosed by Tsukada et al. further comprises a display unit for displaying information on the measurement result received (Tsukada et al.: Abstract).

8. In regards to Claims 10 and 11, Tsukada et al. disclose an integrated sensor device, but fail to describe the storage means or methods of the sensor device. The Applicant has disclosed as prior art that “the performance of a sensor gradually deteriorates over time as a result of its exposure in the environment in which it is located” (Page 1, paragraph 4). Since it was well known that the sensor devices are sensitive to the environment it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention disclosed by Tsukada et al. by storing unused sensors in a container until they are ready to be used for the purpose of preventing the deterioration of the sensors.

Allowable Subject Matter

9. Claims 3, 5 – 9, 14, 16, 18, 19, 21, 23 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

11. In regards to Claim 3, an integrated sensor device comprising the elements of Claim 1, and further comprising the control unit is capable of correcting information based on pre-stored 'correcting information' is not taught by the prior art of record.

12. In regards to Claims 5 – 9, 14, 16, 18, 19, 21, 23 and 25, a measuring system comprising the elements of Claim 1, wherein the device further comprises a container for holding multiple integrated sensor devices according to Claim 1, wherein the purpose of having the container present is for replacing a deteriorated integrated sensor, wherein the replacement is performed by an actuator, upon determination of sensor deterioration is not taught by the prior art of record.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald M. Lair whose telephone number is (703) 305-4450. The examiner can normally be reached on Monday - Friday, 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (703) 308-0750. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1436.



Donald M. Lair
Patent Examiner
Art Unit 2858
October 6, 2003



N. Le
Supervisory Patent Examiner
Technology Center 2800